



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C., 20460

OFFICE OF
PREVENTION, PESTICIDES, AND
TOXIC SUBSTANCES

JUL 2 - 2007

MEMORANDUM

SUBJECT: Reaffirmation of Redlegation of Authority to Issue Notices of Intent to Suspend under FIFRA section 3(c)(2)(B) and Process Voluntary Cancellations/Use Terminations under FIFRA Section 6(f)

FROM: James B. Gulliford *James B. Gulliford*
Assistant Administrator

TO: Debbie Edwards, Director
Office of Pesticide Programs

This memorandum reaffirms the authority of the Director, Office of Pesticide Programs (OPP), to issue Notices of Intent to Suspend under section 3(c)(2)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and to process voluntary cancellations/use terminations under FIFRA section 6(f) pursuant to Delegations 5-1-B, 5-1-C, and 5-7 (see attachments). I also hereby ratify as authorized any FIFRA section 3(c)(2)(B) Notices of Intent to Suspend and/or any voluntary cancellation/use termination notices or orders pursuant to FIFRA section 6(f) that may have been issued by OPP on or before the date of this memorandum.

As you know, the function of and responsibility for issuing Notices of Intent to Suspend, which had been performed by OECA, will no longer be handled by OECA. An April 11, 2007, memorandum issued by the Assistant Administrator of OECA advises me of this, as well as OECA's intent not to be involved in the processing of FIFRA section 6(f) voluntary cancellations/use terminations (see attached memorandum).

As permitted by Delegations 5-1-B, 5-1-C, and 5-7, this authority may be redelegated to the Division Director level with respect to any affected OPP division(s) but may not be redelegated further. Should you decide to redelegate, please send a copy of the redelegation document to Angela Hofmann, who serves as my lead for delegations and who will include the redelegation in the AA's files for future reference. Also send a copy for OGC's files to the attention of Philip Ross and Robert Perlis.

In exercising this authority, you (and whomever you redelegate this authority to) are responsible for ensuring compliance with all applicable requirements and procedures. Should you or your staff have any questions about this redelegation or related expectations in implementing it, please contact Angela Hofmann at 202-564-0258.

Attachments

cc: Angela Hofmann (OPPTS/RCS)
Robert Perlis (OGC)
Philip Ross (OGC)



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FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-1-B. Change to Existing Registration

1200 TN 350

5/11/94

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the amending of existing registrations and the approval of new uses for existing registrations of pesticides pursuant to Section 3 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Prevention, Pesticides, and Toxic Substances and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The authority to publish guidelines specifying information requirements in support of registration as set forth in Section 3(c)(2) is reserved to the Administrator.

The Assistant Administrator for Enforcement and Compliance Assurance must receive concurrence from the Assistant Administrator for Prevention, Pesticides, and Toxic Substances before exercising this authority.
4. **REDELEDGATION AUTHORITY.** This authority may be redelegated.

OHR Web Manager: Doris M. Martinez



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FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-1-C. Reregistration

1200 TN 353

6/8/94

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the reregistration of pesticides pursuant to Sections 3 and 4 of FIFRA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Prevention, Pesticides, and Toxic Substances (OPPTS).
3. **LIMITATIONS.**
 - a. The authority to publish guidelines specifying information requirements in support of registration as set forth in Section 3(c)(2)(A) is reserved to the Administrator.
 - b. The authority to approve registrations of pesticides containing active ingredients and for uses identical or similar to those finally cancelled by an order of the Administrator is reserved to the Administrator.
 - c. The authority to publish notice of intent and final order per FIFRA Section 4(d)(5)(B) is reserved to the Assistant Administrator for Prevention, Pesticides, and Toxic Substances.
 - d. The authority to publish eligibility for reregistration per Section 4(g) is reserved to the Office Director for Pesticide Programs.
 - e. The authority to publish notice, per Section 4 (f)(1)(B), of outstanding data requirements for active ingredients listed in Sections 4(c)(2)(B), 4 (c)(2)(C), and 4(c)(2)(D) is reserved to the Office Director for Pesticide Programs.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated below the Division Director level only as follows:
 - a. The authority to issue notices of reregistration for pesticide products per Section 4(d)(2)(C) may be redelegated to the Registration Division Product Management Team Leaders (Product Managers).
 - b. The authority to deny requests for product specific data waiver and to deny requests for time extensions per Sections 3(c)(2)(B) and 4(g)(2)(B) may be redelegated to the Branch Chiefs.

OHR Web Manager: Doris M. Martinez



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FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-7. Cancellation and Suspension

1200 TN 350

5/11/94

1. **AUTHORITY.** To perform the EPA functions and responsibilities relative to the administrative review, suspension, and cancellation of registration, as set forth in FIFRA, as amended, Section 3, 4, or 6.
2. **TO WHO DELEGATED.** Assistant Administrator for Prevention, Pesticides and Toxic Substances and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The authority to issue the final orders of suspension or cancellation, or change of classification, after the completion of any hearing pursuant to Section 6 and orders pursuant to Section 6(c) is reserved to the Administrator.
 - b. The authority to issue a notice of intent to cancel or to change classification or to hold hearing on items of major national significance is reserved to the Assistant Administrator for Prevention, Pesticides and Toxic Substances.
 - c. The authority to preside at hearings, and to make final decisions following hearings, pursuant to Section 6, is retained by the Administrative Law Judges and the Environmental Appeals Board, respectively.
 - d. The Assistant Administrator for Enforcement and Compliance Assurance must receive concurrence from the Assistant Administrator for Prevention, Pesticides, and Toxic Substances before exercising this authority.
4. **REDELEGATION OF AUTHORITY.** This authority may be redelegated to the Division Director level and may not be redelegated further.

OHR Web Manager: Doris M. Martinez

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